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Part IV

Department of Education

34 CFR Parts 706, 707 and 708

Regional Educational Laboratories and Research and Development Centers Programs; Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Parts 706, 707, and 708

Regional Educational Laboratories and Research and Development Centers Programs

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Regional Educational Laboratories and Research and Development Centers Programs. These amendments are needed to implement certain provisions of the General Education Provisions Act (GEPA), as amended by Title XIV of the Higher Education Amendments of 1986, and to improve the operation of the programs.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. Lawrence Bussey, Jr., Office of Research, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW., Suite 610, Washington, DC, 20208–1633. Telephone number: (202) 357–6249.

SUPPLEMENTARY INFORMATION: On March 22, 1988, the Secretary published in the **Federal Register** (52 FR 9408) a Notice of Proposed Rulemaking for the Regional Educational Laboratories and Research and Development Centers Programs.

The Regional Educational Laboratories Program makes financial assistance available to regional educational laboratories established by public agencies or private nonprofit institutions. Each laboratory, under the sole guidance of a regionally representative governing board, serves the education needs of a specific geographic region of the Nation. The Research and Development Centers Program provides financial assistance, to conduct educational research and development, to institutions of higher education, institutions of higher education in consort with public agencies or nonprofit organizations, and interstate agencies established by compact that operate subsidiary bodies to conduct postsecondary educational research and development.

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, three organizations submitted comments on the proposed regulations. The Secretary has made a technical change in these regulations to clarify the intent under the selection criteria for planning awards and has added a research priority under the list of funding priorities. An analysis of the comments and of the changes in the regulations is published as an appendix to these final regulations. Substantive issues are discussed under the section of the regulations to which they pertain. Technical and other changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects

34 CFR Part 706

Colleges and universities, Education, Educational research, Grants programs—education, Local educational agencies, Nonprofit organizations, Reporting and recordkeeping requirements, State educational agencies.

34 CFR Part 707

Colleges and universities, Education, Educational research, Grants programs—education, Local educational agencies, Nonprofit organizations, Reporting and recordkeeping requirements, State educational agencies.

34 CFR Part 708

Colleges and universities, Education, Educational research, Grants programs—education, Local educational agencies, Nonprofit organizations, Reporting and recordkeeping requirements, State educational agencies.

Dated: July 25, 1988.

William J. Bennett,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number 84.117: Regional Educational Laboratories and Research and Development Centers Programs)

The Secretary amends Title 34 of the Code of Federal Regulations by revising Parts 706, 707 and 708 to read as follows:

PART 706—REGIONAL EDUCATIONAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS PROGRAMS: GENERAL PROVISIONS

Subpart A—General

Sec.
706.1 What are the Regional Educational Laboratories and Research and Development Centers Programs?
706.2 Who is eligible for an award?
706.3 What priorities may the Secretary establish?
706.4 What regulations apply?
706.5 What definitions apply?

Subpart B—How Does One Apply for an Award?

706.10 What assurances must an applicant make?
706.11 What information is needed for a multi-year project for institutional operations?

Subpart C—How Does the Secretary Make an Award?

706.20 How does the Secretary evaluate an application?
706.21 What additional procedures may the Secretary use to determine which applications will be selected for funding?
706.22 What additional factors may the Secretary consider in selecting an application for a planning award?
706.23 What additional factors may the Secretary use to select an application for an institutional operations award?

Authority: 20 U.S.C. 1221e, unless otherwise noted.

Subpart A—General

§ 706.1 What are the Regional Educational Laboratories and Research and Development Centers Programs?

Under the Regional Laboratories and Research and Development Centers Programs, the Secretary provides support for planning, institutional operations, and special activities of regional educational laboratories and research and development centers.

(Authority: 20 U.S.C. 1221e)

§ 706.2 Who is eligible for an award?

(a) The following parties are eligible to apply for awards for the planning of a laboratory or center:

(1) Public or private organizations, institutions or agencies.

(2) Individuals.

(b) The following parties are eligible to apply for awards for institutional operations:

(1) For regional educational laboratories, public agencies or private nonprofit organizations.

(2) For research and development centers, institutions of higher education, institutions of higher education in consort with public agencies or private nonprofit organizations or interstate agencies established by compact that operate subsidiary bodies established to conduct postsecondary educational research and development.

(c) In any fiscal year, the Secretary may make grants for special activities to regional educational laboratories or research and development centers that receive institutional operations awards in the same fiscal year.

(Authority: 20 U.S.C. 1221e)

§ 706.3 What priorities may the Secretary establish?

(a) The Secretary may select funding priorities from a list of biennial research priorities published in the **Federal Register** for public comment pursuant to section 405(b)(4) of the Act, and published in final form in the **Federal Register**. These biennial research priorities may include one or more priorities from paragraph (b) of this section.

(b) The Secretary may also select one or more funding priorities by choosing from the following list of individual priorities or a combination of these priorities:

(1) Learning.

(2) Teaching.

(3) Technology in education.

(4) Instructional processes and materials, including textbooks and computer software for instruction.

(5) Education and staff development for teachers, administrators and other education staff.

(6) Organization and management of schools, including effective education leadership.

(7) Evaluation and indicator measures, including testing, measurement, and standards of performance.

(8) Governance of education, including school board policies and practices.

(9) Educational finance and productivity.

(10) Education and the law.

(11) Dissemination and knowledge utilization in education.

(12) Improvement in education, including State and local reform initiatives.

(13) Student achievement, including students' motivation to learn, their failure to learn, and their failure to attend school and graduate.

(14) Home, family, cultural, and community influences on education, including parental choice and involvement in schooling.

(15) Education, work, and careers.

(16) Equity and excellence, including the effects of ability grouping.

(17) Guidance and counseling.

(18) International education.

(19) English literacy, including reading, writing, and language skills.

(20) Mathematics.

(21) Science.

(22) Foreign languages.

(23) Early childhood education.

(24) History and social sciences, including economics, geography, political science, sociology, anthropology, and psychology.

(25) Physical and health education.

(26) Humanities, including music, art, literature and dance.

(27) Citizenship and character education.

(28) Elementary education.

(29) Secondary education.

(30) Early adolescent education.

(31) Adolescent education.

(32) Postsecondary education.

(33) Adult and continuing education.

(34) Teachers.

(35) School professionals and personnel.

(36) Public and private educational institutions.

(37) School discipline and crime in the schools.

(38) Education of special populations, including the educationally disadvantaged or students-at-risk, those with limited English proficiency, the handicapped, immigrants, and the academically gifted and talented.

(39) Implementation and effects of educational policies.

(Authority: 20 U.S.C. 1221e)

§ 706.4 What regulations apply?

(a) *Grants.* The following regulations apply to grants under this program:

(1) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), Part 75 (Direct Grant Programs), Part 77 (Definitions That Apply to Department Regulations), Part 78 (Education Appeal Board), and Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(2) The regulations in this Part 706 and in 34 CFR Parts 707 and 708.

(b) *Contracts.* (1) The following regulations apply to contracts under this program:

(i) The Federal Acquisition Regulation (FAR) in 48 CFR Chapter 1.

(ii) The Education Department Acquisition Regulation (EDAR) in 48 CFR Chapter 34.

(2) Requirements substantially similar to the following sections of the regulations in this Part 706 and 34 CFR Parts 707 and 708 will be incorporated into the solicitation for a laboratory or center contract, to the extent that these sections are consistent with applicable regulations in the FAR and EDAR:

(i) *Part 706.* Sections 706.1, 706.5, 706.10, 706.11, 706.22 and 706.23.

(ii) *Part 707.* Sections 707.1, 707.2, 707.10, 707.11, 707.12, and 707.20.

(iii) *Part 708.* Sections 708.1, 708.10, 708.11, 708.12, and 708.20.

(Authority: 20 U.S.C. 1221e)

§ 706.5 What definitions apply?

(a) *Definitions in EDGAR.* The following terms used in these regulations are defined in 34 CFR 77.1:

Applicant
Application
Award
Department
EDGAR
Grant
Nonprofit
Private
Public
Secretary
State

(b) *Other definitions.* The following definitions also apply to this part:

"Act" means the General Education Provisions Act, as amended.

"Center" means an educational research and development center authorized under section 405(d)(4)(A)(ii) of the Act.

"Contract" means a procurement contract entered into by the Federal government to purchase, rent, lease or otherwise obtain supplies or services from nonfederal sources.

"Educational research" means basic and applied research, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations in the field of education and related fields.

"Institution of higher education" means an institution of higher education as defined in section 1201 of the Higher Education Act of 1965, as amended.

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"Institutional operations" means the activities of a laboratory or center conducted under a long-term plan approved by the Secretary.

"Laboratory" means a regional educational laboratory authorized under section 405(d)(4)(A)(i) of the Act.

"Mission" means the priority or priorities for a center established by the Department in accordance with § 706.3.

"Planning" means activities related to preparing an application for institutional operations of a laboratory or center.

"Special activities" means activities carried out by a Regional Educational Laboratory or a Research and Development Center in addition to those included in its institutional operations award.

(Authority: 20 U.S.C. 1141; 1221e)

Subpart B—How Does One Apply for an Award?

§ 706.10 What assurances must an applicant make?

In its application for an award for institutional operations, an applicant shall make assurances that the laboratory or center involved will—

(a) Be responsible for the conduct of the research and development activities in its approved application;

(b) Prepare a long-range plan relating to the conduct of those research and development activities;

(c) Ensure that information developed as a result of those research and development activities, including new educational methods, practices, techniques, and products, are appropriately disseminated;

(d) Provide technical assistance to appropriate educational agencies and institutions; and

(e) To the extent practicable, provide training for individuals, emphasizing training opportunities for women and members of minority groups, in the use of new educational methods, practices, techniques and products developed in connection with those activities.

(Authority: 20 U.S.C. 1221e)

§ 706.11 What information is needed for a multi-year project for institutional operations?

In addition to the information required in 34 CFR 75.117, an application for a multi-year project for institutional operations must contain a mission statement for the proposed center as a whole or a proposed long range plan for the proposed laboratory. The mission statement or proposed long range plan must describe goals and objectives for each year of the proposed project and discuss how they relate to the specific activities described in the application.

(Authority: 20 U.S.C. 1221e)

(Approved by the Office of Management and Budget under control number 1850-0602)

Subpart C—How Does the Secretary Make an Award?

§ 706.20 How does the Secretary evaluate an application?

(a) For each competition the Secretary uses the applicable selection criteria in 34 CFR 707.10, 707.11, 707.12, 708.10, 708.11 or 708.12 to evaluate applications for new awards under this program.

(b) The maximum score for all the criteria in each section is 100 points, including any reserved points to be distributed in accordance with paragraph (d) of this section.

(c) Subject to paragraph (d) of this section, the maximum possible score for each criterion is indicated in parentheses.

(d) For any competition for center awards, the Secretary assigns 10 additional points to one or more of the criteria described in the applicable section (34 CFR 708.10, 708.11, or 708.12).

(Authority: 20 U.S.C. 1221e)

§ 706.21 What additional procedures may the Secretary use to determine which applications will be selected for funding?

In addition to the review procedures in 34 CFR 75.217, the Secretary may use the following procedures to determine which applications will be selected for funding:

(a) After review of applications and preparation of a rank order of the applications in accordance with 34 CFR 75.217 (b) and (c) and § 706.20, the Secretary may select applications for further consideration on the basis of the rank order and the factors in 34 CFR 75.217(d). The Secretary informs each applicant whether its application has been chosen for further consideration.

(b) (1) Each applicant chosen for further consideration shall submit any additional information requested by the Secretary.

(2) In requesting additional information of applicants chosen for further consideration, the Secretary—

(i) Provides applicants with a reasonable opportunity to revise and resubmit their applications; and

(ii) Does not provide information to any applicant about the contents of other applications chosen for further consideration, or otherwise provide any information that could give an applicant a competitive advantage over other applicants.

(c) The Secretary may conduct site visits to all or some of the applicants to obtain further information on the activities described in an application and an applicant's capability to perform those activities.

(Authority: 20 U.S.C. 1221e)

§ 706.22 What additional factors may the Secretary consider in selecting an application for a planning award?

In addition to the selection criteria in 34 CFR 707.10 or 708.10 and the additional information in accordance with § 706.21, the Secretary considers the following in making awards for planning of a laboratory or center:

(a) The relationship between the technical merit of the proposed educational research and development program and its cost in comparison to other proposed programs.

(b) The extent to which funding an application would contribute to a collection of laboratory and center activities that are both diverse and balanced.

(Authority: 20 U.S.C. 1221e)

§ 706.23 What additional factors does the Secretary use to select an application for an institutional operations award?

In addition to the criteria in 34 CFR 707.11 and 708.11 and the additional information obtained in accordance with § 706.21, the Secretary considers the following in making awards for institutional operations of a laboratory or center:

(a) The extent to which funding an application would contribute to a collection of laboratory and center activities that are both diverse and balanced; and

(b) The relationship between the technical merit of the proposed program and its cost in comparison to other proposed programs.

(Authority: 20 U.S.C. 1221e)

PART 707—REGIONAL EDUCATIONAL LABORATORIES

Subpart A—General

Sec.
707.1 What regulations apply?
707.2 What geographic regions do the laboratories serve?

Subpart B—How Does the Secretary Make an Award?

707.10 What are the selection criteria for laboratory awards for planning?
707.11 What are the selection criteria for laboratory awards for institutional operations?
707.12 What are the selection criteria for laboratory awards for special activities?

Subpart C—What Conditions Must Be Met by a Grantee?

707.20 What requirements must be met by a grantee?

Authority: 20 U.S.C. 1221e, unless otherwise noted.

Subpart A—General

§ 707.1 What regulations apply?

The regulations in this part and the regulations cited in 34 CFR 706.5 apply to awards for regional educational laboratories.

(Authority: 20 U.S.C. 1221e)

§ 707.2 What geographic regions do the laboratories serve?

(a) A laboratory established under this program serves one of the following geographic regions:

(1) Connecticut, Maine, Massachusetts, New Hampshire, New York, Puerto Rico, Rhode Island, Vermont, Virgin Islands.

(2) Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania.

(3) Kentucky, Tennessee, Virginia, West Virginia.

(4) Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina.

(5) Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Wisconsin.

(6) Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

(7) Colorado, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming.

(8) Arizona, California, Nevada, Utah.

(9) Alaska, Idaho, Montana, Oregon, Washington.

(10) American Samoa, Guam, Hawaii, Palau (to the extent authorized by Pub. L. 99–658 and until the effective date of the Compact of Free Association with the Government of Palau), and to the extent approved by the Secretary, the Marshall Islands and the Federated States of Micronesia (in accordance with section 226 of the compact of Free Association as set forth in section 201 of Pub. L. 99–239), and Palau (after the effective date of the compact of Free Association with the Government of Palau), in accordance with section 222 of that Compact as set forth in section 201 of Pub. L. 99–658.

(b) For each competition for a laboratory award, the Secretary announces which one or more of the geographic regions designated in § 707.2(a) will be served.

(c) In the event that funding of a particular laboratory serving a region under this program is discontinued, the Secretary may provide additional funds to another laboratory for continuation of laboratory services to States in that region.

(Authority: 20 U.S.C. 1221e)

Subpart B—How Does the Secretary Make an Award?

§ 707.10 What are the selection criteria for laboratory awards for planning?

The Secretary uses the following criteria to evaluate applications for laboratory awards for planning:

(a) *Understanding of the educational settings and issues in the region.* (25 points). The Secretary reviews each application to determine the extent to which the applicant—

(1) Understands the educational settings and issues in the region;

(2) Demonstrates knowledge of the strengths and needs of the educational systems—public and private, elementary, secondary, and postsecondary—in the region;

(3) Understands significant trends expected to influence education in the region over the next five years;

(4) Demonstrates knowledge of the capabilities of existing organizations that provide research, dissemination, training, and assistance to educational agencies in the region and how a laboratory can complement their work; and

(5) Understands the barriers and challenges facing a laboratory in the region and ways of overcoming them.

(b) *Organizational ability to conduct planning and design tasks* (20 points). The Secretary reviews each application to determine the organizational ability of the applicant to conduct the required planning and design tasks, including—

(1) The extent to which the applicant has successful experience in planning or conducting multi-State activities related to educational research and development; and

(2) Whether the existing relationships in the region give the applicant access to important groups of clients in the region and contribute to cooperative planning activities.

(c) *Plan of operation* (20 points). The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The quality of the design of the project;

(2) The extent to which the management plan ensures proper and efficient administration of the project;

(3) The degree to which the objectives of the project relate to the purpose of the program; and

(4) The adequacy of the applicant's plans to use its resources and personnel to achieve each objective.

(d) *Quality of key personnel* (20 points).

(1) The Secretary reviews each application to determine the qualifications of the key personnel the applicant plans to use in the project, including—

(i) The qualifications of the project director;

(ii) The qualifications of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(1) (i) and (ii) of this section will commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping conditions.

(2) To determine personnel qualifications under paragraphs (d)(1) (i) and (ii) of this section, the Secretary considers—

(i) Experience and training, in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the quality of the project.

(e) *Budget and cost effectiveness* (5 points). The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives and activities of the project.

(f) *Evaluation plan* (5 points). The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(1) Are appropriate for the project; and

(2) To the extent possible, are objective and produce data that are quantifiable.

(g) *Adequacy of resources* (5 points). The Secretary reviews each application to determine the adequacy of the resources to be devoted to the project, including facilities, equipment and supplies.

(Authority: 20 U.S.C. 1221e)

(Approved by the Office of Management and Budget under control number 1850–0602)

§ 707.11 What are the selection criteria for laboratory awards for institutional operations?

The Secretary uses the following criteria to evaluate applications for laboratory awards for institutional operations:

(a) *Understanding of and responsiveness to regional needs* (10 points). The Secretary reviews each application to determine the applicant's understanding of and responsiveness to the needs of the region, including—

(1) The degree to which the applicant demonstrates an understanding of current and projected educational conditions and needs in the region;

(2) The extent to which the applicant proposes adequate mechanisms and procedures for assessing the educational research and development needs and capabilities of the region and for determining laboratory priorities; and

(3) The quality of the applicant's analysis of strategic options and a plan for responding to regional needs.

(b) *Strength of relationships with the region* (15 points). The Secretary reviews each application to determine the strength of the applicant's relationship with the region to be served, including—

(1) The extent to which the proposed governing board's membership reflects regional interests and constituencies;

(i) The quality of the applicant's plans for a governing board designed to take an active role in setting policy and determining the regional agenda of the laboratory;

(ii) The extent to which the applicant's plans for a governance structure provide the organizational autonomy necessary for neutrality, balance, and equity in the selection of clients and the delivery of services;

(2) The quality, extent, and feasibility of proposed collaborative relationships with appropriate organizations, such as—

(i) Public education agencies at State, intermediate, and local levels;

(ii) Educational research and development agencies;

(iii) Organizations providing assistance in the use of research outcomes;

(iv) Clearinghouses, including those compromising the Education Resources Information Clearinghouse system;

(v) Professional associations;

(vi) Institutions of higher education;

(vii) Community-based organizations;

(viii) Business and industry; and

(ix) National Diffusion Network: State and Private School Facilitators; and

(3) Evidence of successful work in the past with organizations listed in paragraph (b)(2) of this section.

(c) *Institutional capability* (15 points). The Secretary reviews each application to determine the qualifications of the applicant to sustain a long-term, high-quality, and coherent program of research and services, including—

(1) The extent to which adequate organizational mechanisms and procedures exist for managing work internally and in collaboration with other institutions;

(2) The degree to which there are adequate procedures for quality control and self-evaluation; and

(3) The degree to which there are adequate plans for effecting improvement in organizational performance and staff development during the project period.

(d) *Plan of operation* (25 points). The Secretary reviews each application to determine the quality of the plan of operation for the project; including—

(1) Quality in the design of the project;

(2) The degree to which the management plan ensures proper and efficient administration of the project;

(3) The degree to which the objectives of the project relate to the mission of the laboratory;

(4) The adequacy of the applicant's plans to use its resources and personnel to achieve each objective;

(5) The quality of the applicant's plan to provide equitable services to students and teachers in elementary and secondary public and private schools;

(6) The extent to which proposed activities relate logically to statements of regional needs and priorities;

(7) The degree of coherence of work within and among program activities;

(8) The extent to which the proposed activities complement related efforts inside and outside the region;

(9) The extent of the anticipated contribution of the work to educational improvement; and

(10) The appropriateness of provisions for sequencing and pacing work activities.

(e) *Quality of key personnel* (20 points).

(1) The Secretary reviews each application to determine the qualifications of the key personnel the applicant plans to use in the project, including—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (e)(1) (i) and (ii) of this section will commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(2) To determine personnel qualifications under paragraphs (e)(1) (i) and (ii) of this section, the Secretary considers—

(i) Experience and training, in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the project.

(f) *Budget and cost effectiveness* (5 points). The Secretary reviews each application to determine the adequacy of the budget and cost effectiveness, including the extent to which—

(1) The budget for the project is adequate to support the project activities; and

(2) Costs are reasonable in relation to the objectives of the project.

(g) *Evaluation plan* (5 points). The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the adequacy of—

(1) A peer review process for evaluating laboratory products, research instruments, and self-evaluation designs;

(2) The participation of the governing board in setting requirements and examining results of laboratory self-evaluation of activities and outcomes;

(3) The methods which document the laboratory's progress in relation to its objectives; and

(4) The methods which document the impact of the laboratory's program on the needs of those served in the designated region.

(h) *Adequacy of resources* (5 points). The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

(Authority: 20 U.S.C. 1221e)

(Approved by the Office of Management and Budget under control number 1850-0602)

§ 707.12 What are the selection criteria for laboratory awards for special activities?

The Secretary uses the following criteria to evaluate applications for laboratory awards for special projects:

(a) *Strength of relationships with appropriate organizations and agencies in the region* (15 points). The Secretary reviews each application to determine the quality, extent and feasibility of proposed collaborative relationships of the laboratory with organizations listed in § 707.11(b)(2) to the focus and purpose of the special activity.

(b) *Institutional capability* (15 points). The Secretary reviews each application to determine the adequacy of the laboratory's organizational capacity for implementing the special activity.

(c) *Plan of operation* (30 points). The Secretary reviews each application to determine the quality of the plan for implementing the special activity.

(d) *Quality of key personnel* (25 points). The Secretary reviews each application to determine the

qualifications of the key personnel, including experience and training related to the objectives of the activity.

(e) *Budget and cost effectiveness* (5 points). The Secretary reviews each application to determine the adequacy and cost effectiveness of the budget for the special activity.

(f) *Evaluation plan* (5 points). The Secretary reviews each application to determine the quality of the evaluation plan to document accomplishment of the activity's objectives.

(g) *Adequacy of resources* (5 points). The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the activity, including facilities, equipment, and supplies.

(Authority: 20 U.S.C. 1221e)

(Approved by the Office of Management and Budget under control number 1850-0602)

Subpart C—What Conditions Must Be Met by a Grantee?

§ 707.20 What requirements must be met by a grantee?

An applicant receiving a laboratory award for institutional operations shall meet the following post-award requirements:

(a) Establish a governing board that—

(1) Is the sole entity that—

(i) Guides and directs the laboratory in satisfying the terms and conditions of the award; and

(ii) Determines the regional agenda of the laboratory, consistent with the priority research and development needs established by the Secretary; and

(2) Reflects a balanced representation of the States in the region, as well as the interests and concerns of regional constituencies.

(b) Facilitate communication among educational agencies and individuals in the region.

(c) Identify concerns and priorities through regionally representative governing and advisory structures and activities that help regional clients define their needs.

(d) Conduct applied research, development, and related activities to address regional needs.

(e) Promote the use in the region of research and development results from all sources inside and outside the region, including the laboratory.

(f) Collaborate with centers, other laboratories, the Education Resources Information Clearinghouses, and the National Diffusion Network: State and Private School Facilitators.

(g) Establish a peer review process for evaluating laboratory products, research instruments, and self-evaluation designs.

(Authority: 20 U.S.C. 1221e)

PART 708—RESEARCH AND DEVELOPMENT CENTERS

Subpart A—General

Sec.
708.1 What regulations apply?

Subpart B—How Does the Secretary Make an Award?

708.10 What are the selection criteria for awards for center planning?
708.11 What are the selection criteria for center awards for institutional operations?
708.12 What are the selection criteria for center awards for special activities?

Subparts C-D [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee?

708.20 What requirements must be met by a grantee?
708.21 What additional factors does the Secretary consider in making continuation awards?

Authority: 20 U.S.C. 1221e, unless otherwise noted.

Subpart A—General

§ 708.1 What regulations apply?

The regulations in this part and the regulations cited in 34 CFR 706.4 apply to awards for research and development centers.

(Authority: 20 U.S.C. 1221e)

Subpart B—How Does the Secretary Make an Award?

§ 708.10 What are the selection criteria for awards for center planning?

The Secretary uses the following criteria to evaluate applications for awards for center planning:

(a) *Mission and strategy* (40 points). The Secretary reviews each application to determine the extent to which the applicant understands the state of knowledge and practice with respect to the problem area and priorities of the center for which the applicant is applying, including the extent to which the applicant shows—

(1) An understanding of the mission of the proposed center;

(2) Knowledge of relevant research and theory;

(3) Knowledge of relevant problems in educational practice;

(4) Familiarity with relevant strategies of research, development, and dissemination; and

(5) Familiarity with strategies for relating to other organizations in educational research, development, and practice.

(b) *Potential to influence practice or policy* (20 points). The Secretary reviews each application to determine if the planning process will address strategies for influencing educational practice or policy, including—

(1) The extent to which the project will address practitioners' or policymaker's needs as identified; and

(2) The extent to which the planning process will result in a design that will yield knowledge that can be used in an educational or policymaking setting.

(c) *Plan of operation (10 points).* The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The quality in the design of the project;

(2) The effectiveness of the management plan; and

(3) The degree to which the research needs of both public and private elementary and secondary schools or institutions of higher education will be addressed.

(d) *Quality of key personnel* (20 points).

(1) The Secretary reviews each application to determine the qualifications of the key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director;

(ii) The qualifications of each of the center's key personnel to be involved in the center's planning;

(iii) The time that each person referred to in paragraphs (d)(1) (i) and (ii) of this section will commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(2) To determine personnel qualifications, under paragraphs (d)(1) (i) and (ii) of this section the Secretary considers—

(i) Experience and training, in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the quality of the project.

(Authority: 20 U.S.C. 1221e)

(Approved by the Office of Management and Budget under control number 1850-0602)

§ 708.11 What are the selection criteria for center awards for institutional operations?

The Secretary uses the following criteria to evaluate applications for center awards for institutional operations:

(a) *Mission and strategy* (15 points). The Secretary reviews each application to determine the extent to which the

applicant understands the state of knowledge and practice related to the priorities established by the Secretary for the center's mission, including—

(1) The extent of the applicant's understanding of the mission of the proposed center;

(2) How the activities of the proposed center will contribute to the advancement of relevant theory and practice;

(3) The quality of plans to establish effective working relations with other organizations in educational research, development, and practice;

(4) The quality of the plans to address the problems of special populations and of both public and private institutions in terms of the mission of the proposed center; and

(5) The quality of long-range plans for developing an appropriate, coherent, and effective program of educational research, development, and dissemination.

(b) *Institutional capability* (15 points). The Secretary reviews each application to determine the capabilities of the host institution to sustain a long-term, high-quality, and coherent program of research, development, and dissemination, in the mission area, including the extent to which the application shows evidence of—

(1) An appropriate organizational structure and commitment to provide the services of appropriate faculty or staff members from the applicant's organization;

(2) An appropriate mixture of scholarly and practitioner backgrounds in the project staff of the applicant;

(3) Past successes of the applicant in collaborating with individuals and organizations to conduct educational research and development;

(4) Structure and governance arrangements likely to provide appropriate direction, quality control, and cost effective management; and

(5) Availability of appropriate resources for the effective implementation of research and development activities.

(c) *Plan of operation* (15 points). The Secretary reviews each application to determine the quality of the plan of operation for the proposed center, including—

(1) The degree to which the plan for center management ensures proper and efficient administration of the project;

(2) The effectiveness of proposed strategies for providing national leadership within the center's mission;

(3) The extent to which the applicant proposes strategies for disseminating center products, including the identification of intended audiences and reasonable timelines for dissemination; and

(4) The adequacy of the applicant's plans to use its resources and personnel to achieve each objective.

(d) *Technical soundness* (20 points). The Secretary reviews each application to determine the technical soundness of the proposed research, including—

(1) The extent to which the applicant demonstrates a thorough knowledge of current research and development concepts, theories, and outcomes and relates these to the proposed activities and the mission of the center;

(2) The adequacy of the research design and methodologies to address the research questions posed; and

(3) Evidence that, where appropriate, the perspectives of a variety of disciplines are used.

(e) *Quality of key personnel* (15 points).

(1) The Secretary reviews each application to determine the qualifications of the key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project; and

(iii) The applicant's policy, as part of its nondiscriminatory employment practices, to ensure that its personnel are selected without regard to race, color, national origin, gender, age, or handicapping condition.

(2) To determine personnel qualifications under paragraphs (e)(1) (i) and (ii) of this section the Secretary considers—

(i) Experience and training in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the project.

(f) *Budget and cost effectiveness* (5 points). The Secretary reviews each application to determine the extent to which the project has an adequate budget and is cost effective, including the extent to which—

(1) The budget for the project is adequate to support the project activities;

(2) The equipment and supplies that the applicant plans to use are adequate; and

(3) Costs are reasonable in relation to the objectives and activities of the project.

(g) *Evaluation plan* (5 points). The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the adequacy of—

(1) The peer review process for evaluating research instruments and products;

(2) The plan for advisory board evaluation of center research activities and resources;

(3) The methods which will be used to document the center's progress in relation to its objectives; and

(4) The methods which will be used to document the impact of the center's program on its target audiences.

(Authority: 20 U.S.C. 1221e)

(Approved by the Office of Management and Budget under control number 1850-0602)

§ 708.12 What are the selection criteria for center awards for special activities?

The Secretary uses the following criteria to evaluate applications for awards for special activities:

(a) *Mission and strategy* (15 points). The Secretary reviews each application to determine the extent to which the special activity contributes to the current mission of the center, including the extent to which—

(1) The program of work will contribute to the advancement of relevant theory and practice;

(2) The plans to establish working relations, as appropriate, with other organizations in educational research, development, and practice will be effective;

(3) The proposed activities will advance the center's mission; and

(4) The proposed activities incorporate plans to address the problems of special populations and of both public and private elementary and secondary schools and institutions of higher education in terms of the mission of the proposed center.

(b) *Capacity of center* (10 points). The Secretary reviews each application to determine whether the institution has the appropriate organization and fiscal resources to complete the special activity, including—

(1) Strong evidence of an effective organizational structure and a commitment to provide the services of appropriate faculty or staff members from the applicant's organization;

(2) Inclusion of an appropriate mixture of scholarly and practitioner backgrounds in the project staff of the applicant;

(3) Structure and governance arrangements likely to provide appropriate direction, quality control, and cost effective management; and

(4) Adequate allotment of resources and facilities.

(c) *Plan of operation* (20 points). The Secretary reviews each application to determine the adequacy of the plan of

operation for the activities and how they complement the center's current plans, including—

(1) The extent to which an effective plan of project management ensures proper and efficient administration of the activities:

(2) The extent to which the applicant plans to use its resources and personnel to achieve each objective; and

(3) The degree to which the research needs of both public and private elementary and secondary schools and institutions of higher education are addressed by the proposed research, if appropriate.

(d) *Technical soundness* (25 points). The Secretary reviews each application to determine the technical soundness of the proposed activities, including—

(1) The extent to which the application demonstrates a thorough knowledge of current research and development concepts, theories, and outcomes and relates this knowledge to the proposed activity and the mission of the center;

(2) The adequacy, as appropriate, of the research design and methodologies to address the research questions posed; and

(3) The extent to which, where appropriate, the perspectives of a variety of disciplines are used.

(e) *Quality of key personnel* (15 points). The Secretary reviews each application to determine the qualifications of the key personnel assigned to the special activities project, including the adequacy of—

(1) The qualifications of the project director;

(2) The qualifications of each of the other key personnel to be used in the project; and

(3) The applicant's policy, as part of its nondiscriminatory employment practices will ensure that its personnel are selected without regard to race, color, national origin, gender, age, or handicapping condition.

(4) To determine personnel qualifications under paragraphs (e) (1) and (2) of this section, the Secretary considers—

(i) Experiences and training in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the project.

(f) *Budget and cost effectiveness* (5 points). The Secretary reviews each application to determine the appropriateness of the budget in relation to the proposed activities, including the extent to which—

(1) The budget for the project is adequate to support the project activities;

(2) The facilities' equipment and supplies that the applicant plans to use are adequate; and

(3) Costs are reasonable in relation to the objectives and activities of the project.

(Authority: 20 U.S.C. 1221e)

(Approved by the Office of Management and Budget under control number 1850-0602)

Subparts C-D [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee?

§ 708.20 What requirements must be met by a grantee?

A grantee receiving an award for institutional operations shall—

(a) Provide national research leadership with respect to the mission of its center;

(b) Establish and maintain a nationally representative advisory panel; and

(c) Collaborate with laboratories, other centers, appropriate Education Resources Information Clearinghouses, and National Diffusion Network: State and Private School Facilitators.

(Authority: 20 U.S.C. 1221e)

§ 708.21 What additional factors does the Secretary consider in making continuation awards?

In making continuation awards under 34 CFR 75.253, the Secretary considers, among other factors, whether—

(a) All products and reports that were due during the budget period that is about to end have been received by the Department;

(b) The project's activities have been carried out in a manner consistent with the previously approved application;

(c) The products and reports are of adequate technical quality; and

(d) The project plans for the subsequent budget period are likely to advance the mission of the center, including the extent to which—

(1) The potential of any new or redirected research project or other center activity within the scope of the project plan will advance the mission of the center;

(2) The center's plan of operation for managing these activities is adequate;

(3) Any new research projects or other activities are technically sound;

(4) The center's personnel are qualified to accomplish the proposed activities; and

(5) The budget is appropriate in relation to the scope of the proposed activities.

(Authority: 20 U.S.C. 1221e)

Editorial Note.—The following appendix will not appear in the Code of Federal Regulations.

Appendix—Analysis of Comments and Responses

The following is an analysis of comments and changes in the regulations since publication of the NPRM. Substantive issues are discussed under the section of the notice to which they pertain. Technical and other minor changes are not addressed.

General

Comment: One commenter asked whether these regulations will govern the competition of the regional educational laboratories in fiscal year 1990.

Discussion: Unless these regulations are amended, they will govern subsequent competitions, including the fiscal year 1990 competition. At this time, the Secretary does not anticipate amending these regulations prior to the fiscal year 1990 competition.

Change: None.

Part 706—Regional Educational Laboratories and Research and Development Centers Programs: General Provisions

What are the Regional Educational Laboratories and Research and Development Centers Programs? (Section 706.1)

Comment: Three commenters suggested changes to the provisions on special activities awards. The commenters were concerned that special activities awards would be used to fund small grant competitions, create unnecessary competitions among laboratories or centers, and reduce the amount of funding available for institutional operations awards.

Discussion: The Secretary has proposed special activities awards to allow needed flexibility to provide supplemental funding to existing laboratories or centers to carry out additional research and related activities that are consistent with the mission of a center or the long range plan of a regional laboratory approved by the Secretary. Special activities awards provide the Secretary with flexibility in supporting additional research and related activities not addressed by currently funded centers or laboratories. Special activities awards may be supported from funds set aside for laboratories and centers pursuant to section 405(g)(1) (A) and (B) of the General Education Provisions Act, as amended (GEPA). Funds for special activities may reduce the amount of

funding available for institutional operations awards. However, the Secretary intends only to use a minimum amount of funds to support special activities awards.

Change: None.

Who is eligible for an award? (Section 706.2)

Comment: Two commenters questioned the proposed changes to the eligibility provisions for regional educational laboratories. One commenter suggested that the proposed changes were beyond the scope of the authorizing statute because they included public agencies as eligible applicants for a laboratory award.

Discussion: The Secretary has not changed the eligible parties for this program. Section 405(d)(4) of GEPA specifically provides that the Secretary supports regional educational laboratories established by public agencies or private nonprofit organizations. Under these regulations, these entities are eligible to apply for an institutional operations award. The revised language makes clear that an eligible party may apply for a laboratory institutional operations award without first establishing a laboratory.

Change: None.

What priorities may the Secretary establish? (Section 706.3)

Comment: One commenter recommended two additional priorities: the implementation and effects of educational policies, and the relationship between education and the economy.

Discussion: The regulations include a priority that addresses the commenter's concern about the relationship between education and the economy: Education, work and careers. However, the Secretary agrees with the commenter's recommendation to add a priority concerning the implementation and effects of educational policy.

Change: The list of research priorities has been amended to add a priority on the implementation and effects of educational policies.

What regulations apply? (Section 706.4)

Comment: Two commenters expressed concern that technical changes proposed concerning the applicability of the regulations to contracts suggested the Department's intent to support only grants.

Discussion: The technical changes do not affect the Department's authority to award contracts. The Secretary may make awards under contracts, as well as grants. These changes have been made to be consistent with the Department's policy that contracts not be governed by program regulations. While these regulations no longer govern contracts, requirements substantially similar to pertinent provisions of the program regulations will be incorporated into any solicitation for a laboratory or center contract, to the extent that the requirements are consistent with applicable contract regulations.

Change: None.

What definitions apply? (Section 706.5)

Comment: One commenter objected to the change in the definition for "mission" to mean the priority or priorities for the laboratory or center established by the Secretary. The commenter felt that under this definition the Secretary rather than the regionally representative governing board would establish the laboratory's regional agenda. Another commenter asked why the definition of "educational research" had been changed to eliminate dissemination, policy studies and technical assistance, and whether the elimination of these terms meant that regional educational laboratories were no longer authorized to carry out these activities.

Discussion: The Secretary did not intend to limit the role of the regionally representative governing board to set the regional agenda of the laboratory.

The definition of educational research has been changed to be consistent with the definition in section 405(a)(3)(C) of GEPA. Regional laboratories are authorized under § 707.20(d) to carry out research, development and related activities.

Change: The definition of "mission" has been changed to clarify that the Secretary does not determine the agenda of a laboratory.

Part 707—Regional Educational Laboratories

What geographic regions do the laboratories serve? (Section 707.2)

Comment: One commenter asked for clarification about how services would be provided to the Pacific Trust Territories. The commenter also requested clarification of the role of the regional educational laboratories in providing services to the Pacific Trust Territories.

Discussion: Until the effective date of its Compact of Free Association, the current Pacific Trust Territory, Palau, will continue to receive technical assistance. After the effective date of its Compact of Free Association, Palau will be situated similarly to the Marshall Islands and the Federated States of Micronesia. These entities may receive technical assistance from a laboratory, to the extent approved by the Secretary. Assistance would be provided pursuant to the Compacts of Free Association with these entities, and the role of the laboratory in providing this assistance would be determined by the Department and the regional governing board of the laboratory.

Change: A technical change has been made to clarify that after the effective date of its Compact of Free Association, Palau may continue to receive technical assistance, to the extent approved by the Secretary.

What are the selection criteria for laboratory awards for planning? (Section 707.10(d)—Plan of operation and Section 707.10(e)—Quality of key personnel)

What are the selection criteria for laboratory awards for institutional operations? (Section 707.11(d)—Plan of operation and Section 707.11(e)—Quality of key personnel)

Comment: One commenter objected to the removal of provisions in the selection criteria for laboratory planning and institutional operation awards related to an applicant's commitment to ensure that "traditionally underrepresented groups" are served and employed by the project. The commenter believes that the removal of these provisions may be interpreted as an abandonment of the principle that an important goal of the Regional Educational Laboratories Program to provide equality of educational opportunity for poor and minority children.

Discussion: The removal of the provisions in the selection criteria concerning traditionally underrepresented groups does not mean that the Secretary intends to support laboratories which ignore the needs of underrepresented groups. The selection criteria in §§ 707.10(a) and 707.11(a) concerning the extent to which the applicant understands and is responsive to the needs of the region to be served, would include the needs of underrepresented groups. In addition, these regulations require applicants to provide assurances that they will provide training for individuals, emphasizing training opportunities for women and members of minority groups. The Secretary has replaced the language in the selection criteria concerning the employment of underrepresented groups with selection criteria addressing the extent to which the applicant uses nondiscriminatory

employment practices. The Secretary believes that these changes are consistent with efforts to provide equal access for special populations to participate in the projects and with ensuring nondiscriminatory employment practices.

Changes: None.

What are the selection criteria for laboratory awards for institutional operations? (Section 707.11(g)—Evaluation plan)

Comment: One commenter requested clarification of the term "evaluation." The commenter also asked whether the provision concerning the adequacy of an applicant's "peer review process" means external review and if it does, how the peer review will affect the prerogatives of a laboratory governing board to make adjustments in laboratory programs. The commenter asked whether the provision addressing methods of documenting the laboratory's impact on the needs of "those served" in the region referred to direct or indirect audiences.

Discussion: The evaluation plan is a description of how the applicant would assess the degree to which the objectives of the application are being achieved and how the applicant would use the results of the self evaluation. The laboratory's governing board is expected to participate in the evaluation process and the examination of the results of the self evaluation. Peer review refers to the process that the applicant proposes to use to judge the adequacy of laboratory products, research instruments, and self evaluation designs. Peer reviewers are generally investigators or scholars external to an organization in the same or comparable fields or disciplines.

The term "those served" refers to those audiences proposed in the laboratory's plans as the recipients of service. Those served may include audiences that participate directly in the laboratory's activities, such as classroom teachers participating in an inservice training program, or those students who receive laboratory services indirectly as a result of the training received by their teachers.

Change: None.

Part 708—Research and Development Centers

What are the selection criteria for awards for center planning? (Section 708.10(b)—Potential to influence practice)

Comment: One commenter suggested expanding this criterion to include potential to influence policy. The commenter recommended that proposed research should address critical issues of relevance to policy as well as practice.

Discussion: The Secretary agrees with the recommendation of the commenter because the purpose of planning awards is to support center activities that have the potential to influence both policy and practice.

Change: The criterion has been expanded to include the potential to influence policymaking.

What are the selection criteria for center awards for institutional operations? (Section 708.11(d)—Technical soundness)

Comment: One commenter recommended incorporating technical soundness as a subcriterion under the selection criteria for mission and strategy and plan of operation (§ 708.11 (a) and (c)). The commenter suggests that technical soundness is a relevant and significant factor that should apply to the proposed mission and plan of operation.

Discussion: The criterion, technical soundness, is intended to be a separate criterion used to judge whether appropriate and adequate methodologies are employed in the research of the center. The mission and strategies criterion addresses an applicant's understanding of a center's mission but does not address the actual means by which the research and related activities of the proposed project may be carried out. The criterion for the plan of operation is intended to assess the adequacy of the overall management plan for the center and the institutional roles and responsibilities. These criteria are independent factors to be considered in judging the overall merit of an application for a center award.

Change: None.

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